THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.NO.13961 OF 2006

DATED; 10.7.2006

BETWEEN:

Kolaparthy Trinadha Rao … petitioner.

And

The Returning Officer, Mandal Parishad,
Chodavaram, Visakhapatnam and another
… respondents.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.NO.13961 OF 2006

ORDER:

Heard the counsel.

The writ petition is filed for a writ of mandamus declaring the action of the first respondent in rejecting the petition dated 4.7.2006 requesting for recounting of the votes in the election held on 2.7.2006 in respect of segment No.3 of Chodavaram Mandal Parishad, Visakhapatnam district without assigning any reason as being illegal, arbitrary and unjust, and to pass suitable orders.

The learned counsel for writ petitioner had taken this Court through the contents of the affidavit filed in support of the writ petition and would submit that in the facts and circumstances of the case, without assigning any reason rejecting the request of the petitioner is totally unsustainable.

It is needless to say that under Rule 12-d(4) of the Election Rules, the petitioner is having effective alternative remedy by way of Election Petition, if any rules are contravened. Liberty is given to approach the Election Tribunal, if the petitioner is so advised.

The writ petition is dismissed with the above observation. No order as to costs.

10.7.2006.

mdaa/smr